

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ACADEMY OF MOTION PICTURE ARTS
AND SCIENCES, a California nonprofit
corporation

Plaintiff

v.

JAIME DE LA ROSA, an individual; and
DOES 1-10, inclusive

Defendants

CIVIL ACTION NO. 1:14-cv-00116-SS

ORDER

Before the Court is Plaintiff Academy of Motion Picture Arts and Sciences' Motion for Judgment on the Pleading Pursuant to FRCP 12(c) (the "Motion") [Doc. # 15]. Having considered the briefing, evidence, and arguments raised by the parties in support of and in opposition to the Motion, it is hereby:

1. ORDERED that the Academy of Motion Picture Arts and Sciences' (the "Academy") Motion on its claims of copyright infringement, trademark infringement, false designation of origin, false representation, and trademark dilution against Defendant Jaime De La Rosa is GRANTED. It is further

2. ORDERED that the Academy is AWARDED (a) \$75,000 in statutory damages against Defendant Jaime De La Rosa for Defendant Jaime De La Rosa's willful copyright infringement of the Academy's "©Oscar®" statuettes, and (b) \$300,000 in statutory damages against Defendant Jaime De La Rosa for Defendant Jaime De La Rosa's willful trademark infringement of the Academy's "©Oscar®" statuette design mark and in its OSCAR® and ACADEMY AWARD® word marks (\$100,000 per mark willfully infringed) for a total of \$375,000 in statutory damages. It is further

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Clerk, U. S. District Court
Western District of Texas
By AF Deputy

3. ORDERED that Defendant De La Rosa must:

- (a) Identify the source or sources of his replica "©Oscar®" statuettes by no later than ten (10) days after the entry of this Order;
- (b) Deliver to the Academy all replica "©Oscar®" statuettes in his possession and/or control, as well as any means of creating replica "©Oscar®" statuettes in his possession and/or control by no later than ten (10) days after the entry of this Order; and
- (c) File with the Court and serve on the Academy within twenty-one (21) days after the entry of this Order a report in writing under oath setting forth in detail the manner and form in which Defendant De La Rosa has complied with this Order. It is further

4. ORDERED that Defendant De La Rosa, and his agents, employees, attorneys, and all persons or entities in active concern or participation with them, are ^{Temporarily} ~~PERMANENTLY~~ ENJOINED from:




- (a) Manufacturing, procuring, importing, advertising, marketing, promoting, retailing, supplying, distributing, offering for sale, or selling any products which bear the Academy's copyrighted "©Oscar®" statuette or the Academy's trademarks, including the "©Oscar®" statuette design and in its OSCAR® and ACADEMY AWARD® word marks, or any other mark or design element substantially similar or confusing thereto, or engaging in any other activity constituting an infringement of any of the Academy's rights in its copyrights and/or trademarks;
- (b) Committing any act calculated to cause purchasers to believe that Defendant De La Rosa's products are sponsored, endorsed, or approved by the Academy;
- (c) Diluting and infringing the Academy's trademarks and damaging their goodwill; and

(d) Causing, aiding, and/or abetting any other person from doing any act proscribed by this Order.

IT IS SO ORDERED.

Dated:

July 11, 2014



Hon. Sam Sparks
United States District Court Judge